

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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ERIC SCOTT BOYD and NAOMI NICOLE,\*

BOYD, on behalf of their minor child,

JANAE LEANN BOYD,

Petitioners,

v.

SECRETARY OF HEALTH

AND HUMAN SERVICES,

Respondent.

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No. 13-634V

Special Master Christian J. Moran

Filed: February 13, 2015

Attorneys' fees and costs; award

in the amount to which

respondent does not object.

Andrew D. Downing, Phoenix, AZ, for Petitioners;

Jennifer L. Reynaud, U. S. Dep't of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>**

On February 11, 2015, petitioners filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioners informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioners' application, respondent raised objections to certain items. Based on subsequent discussions, petitioners amended their application to request \$38,025.87, an amount to which respondent does not object. The Court awards this amount.

On September 3, 2013, Eric and Naomi Boyd filed a petition for compensation on behalf of their daughter, Janae Leann Boyd, alleging that the Trivalent influenza ("flu") vaccine, which Janae received on January 14, 2013, caused her to suffer

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

transverse myelitis. Petitioners received compensation based upon the parties' stipulation. Decision, issued Feb. 5, 2015. Because petitioners received compensation, they are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners seek a total of **\$38,025.87** in attorneys' fees and costs for their counsel. Additionally, in compliance with General Order No. 9, petitioners state that they incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

**A lump sum of \$38,025.87 in the form of a check made payable to petitioners and petitioners' attorney, Andrew D. Downing, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6360.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master